

REMARKS

Claim Rejections

Claims 18-19 and 21 are rejected under 35 U.S.C. § 102(e) as being anticipated by Himmel et al. (6,993,319). Claims 1-2, 5-7 and 10-11 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Son (2005/0197169) in view of Furter et al. (2005/0104732). Claims 14-15 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Seita (6,973,327) in view of Furter et al. Claims 3, 8 and 12 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Son and Furter as applied to claims 1, 5 and 10 above, and further in view of Arisawa et al. (2003/0141989). Claim 16 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Seita and Furter as applied to claim 14 above, and further in view of Arisawa et al. Claim 20 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Himmel as applied to claim 18 above, and further in view of Arisawa et al.

Claim Amendments

By this Amendment, Applicant has amended claim 18 of this application to limit the claim to recite that the antenna comprises a "coiled enameled wire." It is believed that the amended claims specifically set forth each element of Applicant's invention in full compliance with 35 U.S.C. § 112, and define subject matter that is patentably distinguishable over the cited prior art, taken individually or in combination.

As a preliminary matter, Applicant notes, as admitted in the prior Office Action, Son, Himmel et al., and Seita et al. all fail to teach a coiled enameled wire antenna. Furthermore, the Examiner has only cited Arisawa et al. as teaching a plurality of diodes and capacitors. As a result, the remarks which follow are focused on the sole reference, Furter et al., cited by the Examiner as teaching Applicant's "coiled enameled wire" antenna.

In the Advisory Action, the Examiner has cited [0032], Fig. 13, and [0047] of Furter et al. as teaching Applicant's "coiled enameled wire" antenna. Applicant has reviewed these newly cited paragraphs and notes that [0032] does teach that the

antenna 13 can be metallization formed in the shape of a coil, as shown in Fig. 13. In addition, previously cited [0047] does teach that antenna 13 can be an enameled copper wire arranged as a single, square perimeter, as shown in Fig. 12. However, the reference fails to teach anything about the enameled copper wire being **coiled**. Instead, [0047] and [0048] respectively teach that an enameled copper antenna is “[o]ne first possibility” and metallization on the substrate 16 in the form of a coil is a “second possibility.” The reference fails to teach or suggesting the combination of these two different embodiments. Furthermore, the Examiner has not provided a motivation or suggestion from the art to do so.

Accordingly, Furter et al. cannot be said to teach or suggest: an apparatus for RFID including an antenna comprising a **coiled enameled wire**.

It is axiomatic in U.S. patent law that, in order for the Examiner to reject claims as obvious under 35 U.S.C. § 103, the Examiner must first present a *prima facie* case of obviousness, including providing teaching from the art which clearly disclose each and every feature of the claimed structure, as well as a specific motivation or suggestion from the art. Applicant submits that it is abundantly clear, as discussed above, that the references, even when combined, do not disclose each and every feature of Applicant’s claims and, therefore, could not possibly support a rejection of these claims under 35 U.S.C. § 103. Absent a specific showing of a *prima facie* case, the combined references cannot be said to render any of Applicant’s claims unpatentable under 35 U.S.C. § 103.

In considering the above, the Examiner is respectfully reminded that in *In re Gordan*, USPQ 1125, 1127 (Fed. Cir. 1984) the court outlined that “[t]he mere fact that the prior art **could be so modified** would not have made the **modification** obvious unless the prior art **suggested the desirability of the modification**. *Emphasis added*.

As a result, even if Son, Himmel et al., Seita et al, or Arisawa et al. were combined with Furter et al., the resulting combination would still not teach or suggest: an apparatus for RFID including an antenna comprising a **coiled enameled wire**.

Applicant submits that there is not the slightest suggestion in either Son, Himmel et al., Seita et al., Arisawa et al. or Furter et al. that their respective

teachings may be combined as suggested by the Examiner. Case law is clear that, absent any such teaching or suggestion in the prior art, such a combination cannot be made under 35 U.S.C. § 103.

Neither Son, Himmel et al., Seita et al., Arisawa et al., nor Furter et al. disclose, or suggest a modification of their specifically disclosed structures that would lead one having ordinary skill in the art to arrive at Applicant's claimed structure. Applicant hereby respectfully submits that no combination of the cited prior art renders obvious Applicant's claims.


Summary

In view of the foregoing amendments and remarks, Applicant submits that this application is now in condition for allowance and such action is respectfully requested. Should any points remain in issue, which the Examiner feels could best be resolved by either a personal or a telephone interview, it is urged that Applicant's local attorney be contacted at the exchange listed below.

Respectfully submitted,

Date: June 13, 2007

By:


Demian K. Jackson
Reg. No. 57,551

TROXELL LAW OFFICE PLLC
5205 Leesburg Pike, Suite 1404
Falls Church, Virginia 22041
Telephone: 703 575-2711
Telefax: 703 575-2707

CUSTOMER NUMBER: 40144